### SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS

### **MINUTES**

August 20, 2009

The South Carolina Commission on Disabilities and Special Needs met on Thursday, August 20, 2009, at 10:30 AM at the Department of Disabilities and Special Needs Central Office, 3440 Harden Street Extension, Columbia, South Carolina.

The following were in attendance:

### **COMMISSION**

### Present:

Kelly Hanson Floyd, Chairman Rick Huntress, Vice Chairman Otis Speight, Secretary Bobby Harrell Deborah McPherson Nancy Banov Susan Lait (via teleconference)

### **DDSN Administrative Staff**

Dr. Eugene Laurent, State Director; Tom Waring, Acting Deputy State Director, David Goodell, Associate State Director, Operations; Kathi Lacy, Associate State Director, Policy; Kevin Yacobi, Director, Internal Audit; Daniel Davis, Director, Autism Division; Rufus Britt, Director, District II; Ann Dalton, Director, Quality Assurance; Lois Park Mole, Director, Government and Community Relations; Tana Vanderbilt, General Counsel; Janet Priest, Director, MR/RD Division; Dr. Graeme Johnson, Medical Consultant; Shondala Hall, Internal Audit; John King, Director, District I; Richard Wnek, Director, Cost Analysis; John Hitchman, District II

### Guests

Dr. Charles L. McLafferty, Voices for the Voiceless; Linda Bodiford, Coastal Center/PADD; Jay Altman, Executive Director, Chester/Lancaster DSN Board; Carolyn Myers, Voices for the Voiceless; Fred Owens, Newberry County DSN Board; Kathleen Roberts, SC PADD and Whitten Center Parent's Club; Mildred Lilley, Parent; Joyce Davis, Executive Director, BIASC; Leanne Johnston; SCHSP; Thoyd Warren, Executive Director, Kershaw County DSN Board;

Beverly Brewer, Parent; Nancy McCormick, P & A, Thomas Parks, VV; Craig Stoxen, Executive Director, SC Autism Society; Diane Epperly, SC Spinal Cord Injury Association; Dean Redd, Executive Director, Colleton County DSN Board; Elaine Thena, Executive Director, Pickens County DSN Board; Gloria M. James, Executive Director, Bamberg County DSN Board; Ralph Courtney, Executive Director, Aiken County DSN Board; George Maky, DHHS; Jackie Robey, Arc SC; Janice Fields, Scott Center Parent; Fave Yarborough, Pee Dee Center; Marian Dunlap, PADD; Connie Gandy, Pee Dee Center; Jeff Ham, SCDMH; Bob Jones, Executive Director, Allendale Barnwell DSN Board; Jean E. Shirley, Whitten Center Parents' Club; Mary Mack, Executive Director, Lee County DSN Board; Rosemary Kiekow, Coastal Center/PADD; Jimmy Burton, Executive Director, Burton Center; Bob Drake, Burton Center; Betty-Routh Steele; Saleeby Center/PADD; Marlene D. Woods, Secretary, Whitten Center Parents' Club; Sharon W. Harley, Coastal Center; Judy Porter, Coastal Center; Suzanne Johnson, Coastal Center Parent; Richard Johnson, Coastal Center Parent; Donna H. Thompson, Babcock Center; Patricia Harrison

### News Release of Meeting

Mrs. Kelly Floyd, Chairman, called the meeting to order. Dr. Otis Speight read a statement of announcement about the meeting that had been mailed to the appropriate media, interested persons, and posted at the Central Office and on the website in accordance with the Freedom of Information Act.

### **Invocation**

Dr. Speight gave the invocation.

### Public Input

Ms. Rosemary Kiekow representing the Coastal Center and SC Parents and Advocates for Developmental Disabilities and Mrs. Kathleen Roberts representing SC Parents and Advocates for Developmental Disabilities spoke at the Commission meeting.

### Adoption of the Agenda

Mrs. Floyd requested to amend the agenda adding Item 6A to include the possibility of providing video conferencing at the Commission Meetings. On motion of Mrs. Nancy Banov, seconded by Mr. Bobby Harrell and passed, the Commission approved the agenda with Mrs. Floyd's amendment. (Attachment A)

### Approval of the Minutes of the July 17, 2009 Meetings

Mrs. Susan Lait recused herself from voting on the minutes, as she had not attended the meeting. On motion of Mr. Harrell, seconded by Dr. Speight and passed, the Commission approved the July 17, 2009 meeting minutes.

### Video Conferencing Commission Meetings

Dr. Laurent announced that video conferencing Commission Meetings can begin next month upon Commission approval. There will be no cost involved if we use existing DDSN capacity at the Regional Centers. Up to five remote sites can be connected. The York County Disabilities and Special Needs board is the only board with video conferencing capabilities at this time. Discussion followed concerning the cost to give all boards video conference capabilities. The department does not have the excess funds at this time to provide video conferencing to all boards. It was suggested that SCETV be approached for video conferencing capabilities in order for more people to be able to participate without traveling. Dr. Laurent stated he would look into this and also what the procedure would be to handle public input. On motion of Dr. Speight, seconded by Mr. Harrell and passed, the Commission approved video conferencing next month's Commission Meeting at the Whitten, Coastal and Pee Dee Regional Centers and York County DSN Board.

### Search Committee Report

Mr. Rick Huntress took notice of the good representation of the Advisory Group at today's meeting. Mr. Huntress explained the reason the first meeting of August 18, 2009 with the Advisory Group was held as an Executive Session. He stated the Committee took into consideration the Group's suggestions and said they were very helpful in selecting the top tier candidates for the DDSN State Director position. Each candidate will be required to submit two writing samples. Copies of resumes and materials of candidates to be interviewed by telephone will be provided to the Advisory Group as stated in the Search Committee and Advisory Group Procedure for Selection of State Director previously provided to the Advisory Group.

### Finance and Audit Committee Report

Mrs. Floyd announced Mrs. Deborah McPherson will become chairman of the Finance and Audit Committee effective after today's Committee meeting.

Mr. Huntress reported the Committee met on August 7, 2009 and voted to recommend Plan A, a 4% cut and Plan B, a 10% cut to the full Commission for consideration as the 2010 Budget Reduction plan. It is anticipated that the Budget and Control Board at its September meeting will approve a 4.5% to 5% across-the-board reduction to each state agency. Discussion followed. On

August 20, 2009 DDSN Commission Meeting Minutes Page 4 of 6

motion of Dr. Speight, seconded by Mr. Harrell and passed, the Commission approved Plan A and Plan B as presented. (Attachment B)

Mr. Tom Waring provided a summary of each item on the Budget Request FY 2010-2011. He stated the Committee reviewed and approved the request at their August 7, 2009 meeting and recommend to the full Commission for approval to submit to the State Budget Office in September. Discussion followed. On motion of Dr. Speight and seconded by Mr. Harrell and passed, the Commission approved the Budget Request FY 2010-2011 as presented. (Attachment C)

### **State Deficit Process**

Dr. Laurent explained the deficit procedure as established in the SC Code of Laws Title 1 Chapter 11. He stated a deficit would be approved only if budget issues are beyond the agency's and the legislature's control and added that running a deficit is not a likely alternative. Dr. Laurent stated he is meeting with the Governor's office to discuss budget issues and to come up with other alternatives.

### Commission Resolution: State Budget and Control Board

Mrs. Floyd asked Mrs. McPherson to read the draft resolution that was requested by Mrs. McPherson and unanimously approved at the August 7, 2009 Finance and Audit Committee meeting to recommend to the full Commission to submit to the SC State Budget and Control Board requesting their consideration of DDSN's budget. On motion of Mr. Harrell and seconded by Dr. Speight and passed, the Commission adopted the resolution to the SC State Budget and Control Board. (Attachment D)

### Legislative Audit Council Audit Update

Dr. Lacy provided an update on the LAC audit. Discussion took place on several items which included fingerprinting and solicitors choosing not to prosecute certain abuse cases. Referring to Item No. 43, Dr. Laurent stated the 2006, 2007, 2008 audits and the State Auditor's report would be available at the September 17, 2009 Commission meeting and referring to Item No. 53, he stated the Human Resources directives should be incorporated into the handbook within the next month or two. DDSN plans to address all of the LAC report's recommendations by October 31, 2009.

### DHHS Medical Care Advisory Committee (MCAC) Report

Dr. Lacy reported that she attended the August 18, 2009 MCAC meeting. The Committee approved the renewal of the Pervasive Developmental Disorder (PDD) waiver, the amendment to the Head and Spinal Cord Injury waiver, and

August 20, 2009 DDSN Commission Meeting Minutes Page 5 of 6

the renewal of the Mental Retardation/Related Disabilities (MR/RD) waiver which contained Option 3B. All waivers will be submitted to the Federal Medicaid agency for approval. Changes take effect January 1, 2010, if approved.

Dr. Lacy reported that the across-the-state informational seminars to update consumers and families on the five New Day Services and the MR/RD waiver changes are going very well. Staff will soon work with Service Coordinators to provide tools and training on the waiver changes so they can better assist families. Mrs. Lait raised the issue regarding consumer access to dental, PT, OT and speech therapy services under the MR/RD waiver. Dr. Lacy explained the difficulty of the lack of dentists in each county who are willing to serve individuals with disabilities. Mrs. McPherson suggested contacting a dentist at the University of Charleston that provided training to dentists to serve special needs patients. Dr. Lacy explained the process for exception requests for respite was being developed.

### Provider's Report

Mr. Ralph Courtney made a brief presentation and encouraged everyone to keep moving forward and to collaborate to achieve better results.

### State Director's Report

Dr. Laurent did not have any additional information to report.

### Next Regular Meeting Date/Location

Mrs. Floyd shared a letter she received from Dr. Roger Stevenson, Director of the Greenwood Genetic Center, inviting the Commissioners to hold one of its fall meetings in Greenwood on the Greenwood Genetic Center campus. It was decided it would be best to visit the center after the new state director begins employment. The next regular meeting will be held Thursday, September 17, 2009 at DDSN Central Office.

### **Executive Session**

On motion of Mr. Harrell, seconded by Dr. Speight and passed, the Commission voted to enter Executive Session to discuss contractual and personnel matters.

On motion of Mr. Huntress, seconded by Mr. Harrell, the Commission voted to exit the Executive Session and re-enter the public session. It was noted that no action was taken.

On motion of Mr. Huntress, the meeting was adjourned.

### August 20, 2009 DDSN Commission Meeting Minutes Page 6 of 6

Submitted by,

Sandra Delaney

Approved:

Dr. Otis Speight Secretary

### SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS

### AGENDA

### South Carolina Department of Disabilities and Special Needs 3440 Harden Street Extension Conference Room 251 Columbia. South Carolina

August 20, 2009

10:30 AM

- 1. Notice of Meeting Statement Commissioner Otis Speight
- 2. Invocation
- 3. Introduction of Guests
- 4. Public Input
- 5. Adoption of Agenda
- 6. Approval of the Minutes of the July 17, 2009 Meeting
- 7. Search Committee Update Commissioner Rick Huntress
- 8. Finance and Audit Committee Report Commissioner Rick Huntress
- 9. State Deficit Process Dr. Andy Laurent
- 10. Commission Resolution: State Budget and Control Board
- 11. LAC Audit Update Dr. Kathi Lacy
- 12. DHHS Medical Care Advisory Committee Report Dr. Kathi Lacy
- 13. Providers' Report Mr. Ralph Courtney
- 14. State Director's Report Dr. Andy Laurent
- 15. Next Regular Meeting Date/Location
- 16. Executive Session

PLEASE SILENCE CELL PHONES DURING THE MEETING. THANK YOU.

## Attachment B

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DDSN 4% Operating Reductions - Central Office	DDSN .5% Personal Services/Fringe Benefits Reductions - Regional Centers/District Offices	DDSN 4% Personal Services/Fringe Benefits Reductions - Central Office	Day Program Waiting List	Alternative Residential Placements	Band Changes and Outliers	Service Coordination Caseloads - Service Level Adjustments	Service Coordination Caseloads at 40 instead of 38	PDD Waiver - 4% Reduction	Traumatic Brain Injury or Spinal Cord Injury Post-Acute Rehabilitation - 4% Reduction	Family Support Stipends (100% State Funded) - all divisions	Respite (100% State Funded) - all divisions	MR/RD Waiver - 85 Slots	HASCI Waiver - 21 Slots	Description	FY 2010 Budget Reduction Plan to Meet Potential 4.04% Cut	South Carolina Department of Disabilities and Special Needs
			266	10	-	1,115				320	320	85	21	Consumers Affected		
	9	6				01	14							Employee/ Contract Positions		
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\$ 32,000	\$ 93,960	\$ 118,215	\$ 1,919,978	\$ 300,000	\$ 150,000	\$ 500,747	\$ 298,692	\$ 300,000	\$ 66,000	\$ 325,000	\$ 325,000	\$ 555,255	\$ 274,362	State Funds		\$164,605,147
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5,259,209	5,227,209	5,133,249	5,015,034	3,095,056	2,795,056	2,645,056	2,144,309	1,845,617	1,545,617	1,479,617	1,154,617	829,617	274,362	Cumulative State		
3.20%	3.18%	3.12%	3.05%	1.88%	1.70%	1.61%	1.30%	1.12%	0.94%	0.90%	0.70%	0.50%	0.17%	Cumulative Percentage		PLAN A

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FY 2010 Budget Reduction Plan to Meet Potential 4.04% Cut		4.04%	\$6,650,048		1
		6%	\$9,876,309	Triple of the state of the stat	:
		000000000000000000000000000000000000000			
# Description Co	Employee/ Consumers Contract Affected Positions	Total Funds	State Funds	Cumulative State Fund Reduction	Cumulative Percentage
15 DDSN 1% Operating Reductions - Regional Centers/District Office		\$ 140,000	\$ 42,000	<b>\$</b> 5,301,209	3.22%
16 DSN Boards - 1% Residential and Day Reduction		\$ 2,490,060	\$ 747,018	\$ 6,048,227	3.67%
17 QPL and Alternative Placement - 1% Residential and Day Reduction		\$ 140,000	\$ 42,000	\$ 6,090,227	3.70%
18 Greenwood Genetic Center - Prevention Grant Reduction 4%		\$ 337,560	<b>\$</b> 135.024	\$ 6.225.251	3 78%
Special Grants - 4% (Whitten Center Parents Club 100%, and Charleston Cty DSN Bd. Parent Coordinator Grant 100%)		70,140			3.81%
20 Residential Services - Attrition Beds - 6 months *	28	\$ 1,022,000	\$ 306,600	\$ 6,579,891	4.00%
21 HASCI Waiver - Savings from Caps on Attendant Care Services		\$ 300,000	\$ 100,000	\$ 6,679,891	4.06%
Total	2,165 29	\$ 15,851,190	6,		4.06%
* This reduction relates to residential provider performance. For those providers					

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Special Grants - 4% (Whitten Center Parents Club 100%, and Charleston Cly DSN Bd. Parent Coordinator Grant 100%)	Greenwood Genetic Center - Prevention Grant Reduction 4%	QPL and Alternative Placement - 1% Residential and Day Reduction	DSN Boards - 1% Residential and Day Reduction	DDSN 1% Operating Reductions - Regional Centers/District Office	DDSN 4% Operating Reductions - Central Office	DDSN .5% Personal Services/Fringe Benefits Reductions - Regional Centers/District Offices	DDSN 4% Personal Services/Fringe Benefits Reductions - Central Office	Day Program Wailing List	Alternative Residential Placements	Band Changes and Outliers	Service Coordination Caseloads - Service Level Adjustment	Service Coordination Caseloads at 40 instead of 38	PDD Waiver - 4% Reduction	Traumatic Brain Injury or Spinal Cord Injury Post-Acute Rehabilitation - 4% Reduction	Family Support Stipends (100% State Funded) - all divisions	Respite (100% State Funded) - all divisions	MR/RD Waiver - 85 Slots	HASCI Waiver - 21 Slots	Description			FY 2010 Budget Reduction Plan to Meet Potential 10% Cut
								266	10		1,115				320	320	85	21	Consumers Affected			
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\$ 70 140	\$ 337,560	\$ 140,000	\$ 2,490,060	\$ 140,000	\$ 106,667	\$ 313,200	\$ 394,050	\$ 2,461,510	\$ 1,000,000	\$ 500,000	\$ 1,669,155	\$ 711,172	\$ 714,286	\$ 66,000	\$ 325,000	\$ 325,000	\$ 1,850,850	\$ 914,540	Total Funds	10%	88	4.04%
•	\$ 135,024	\$ 42,000	\$ 747,018	\$ 42,000	\$ 32,000	\$ 93,960	\$ 118,215	\$ 1,919,978	\$ 300,000	\$ 150,000	\$ 500,747	\$ 298,692	\$ 300,000	\$ 66,000	\$ 325,000	\$ 325,000	\$ 555,255	\$ 274,362	State Funds			\$6,650,048
£ 272 204	\$ 6,225,251	\$ 6,090,227	\$ 6,048,227	\$ 5,301,209	<b>\$</b> 5,259,209	\$ 5,227,209	\$ 5,133,249	\$ 5,015,034	\$ 3,095,056	\$ 2,795,056	\$ 2,645,056	\$ 2,144,309	\$ 1,845,617	<b>\$</b> 1,545,617	<b>\$</b> 1,479,617	\$ 1,154,617	\$ 829,617	\$ 274,362	Cumulative State Fund Reduction			
	3.78%	3.70%	3.67%	3.22%	3.20%		3.12%	3.05%	1.88%	1.70%	1.61%	1.30%	1.12%	0.94%	0.90%	0.70%	0.50%	0.17%	Cumulative Percentage			E AN

Fr 2010 s	FY 2010 State Base   4.04%   6%   6%   6%   6%   6%   6%   6%	Fy 2010 State Base   \$ 4.04%   65%   65%   109%	FFY 2010 State Base   \$144,605,147   4.04%   56.50,048   6.6%   5.650,048   6.9%   5.650,048   6.9%   5.650,048   6.9%   5.650,048   6.9%   5.650,048   6.000   5.000   5.000   5.000   5.000,000   5.000	Pr 2010 State Base   \$14,605,147   4,04%   50,807,046	Whose perior	* This reducti	Total	Adult Day Pro	Service Coor	Additional St	Early Interve	Summer Sen	Consolidate I	25% Reduction	Consolidate I	Regional Cer	Residential S	Family Suppo	Respite (100	HASCI Waiw	Residential S			10 Budget Redu
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## Attachment C

# SOUTH CAROLINA DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS BUDGET REQUEST CONSIDERATIONS FOR FY 2010 – 2011

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Program Needs	Annualization of Recurring Services Funded By Proviso 90.13 DHHS Funding – Medicaid Stimulus	Community Supports in the Individual's and Family's Home	Traumatic Brain or Spinal Cord Injury Post-acute Rehabilitation	Maintenance of Effort to Cover Consumers' Cost of Care
<u>Description</u>	This request is to annualize the nonrecurring funding provided DDSN in the FY 2009-2010 Appropriations Act for ongoing services to individual consumers and families.	This request is to prevent unnecessary and expensive out-of-home placements by serving 1,010 individuals with severe disabilities with the supports necessary to maintain them in their homes. As of June 30, 2009, there were 1,697 consumers on the waiting list for the Mental Retardation/Related Disabilities Waiver and 301 awaiting the Head & Spinal Cord Injury Waiver for 1,998 individuals. There were also 1,120 awaiting a day support service.	South Carolina needs to fully fund over time the remaining cost of post-acute rehabilitation that enables people with traumatic brain or spinal cord injuries to obtain an appropriate level of specialized rehabilitation after the injury and acute hospital stay. Currently in the state, there is a serious gap in access to post-acute rehabilitation that is specialized for traumatic brain or spinal cord injuries. The estimates based on hospital discharges are that 2,254 individuals with traumatic brain or spinal cord injuries this year will be in need of specialized post-acute inpatient/outpatient rehabilitation. The total cost of care would be \$68 million; however, \$56.5 million of this expense could be covered by private insurance, Medicare and other government reimbursements. This fiscal year, DDSN will have \$1,650,000 in one-time funding for this program. The State funding needed for the balance to cover the uninsured/underinsured and Medicaid State matching funds would be \$9,854,000 if the one-time funds are annualized. Due to the amount of funding needed, DDSN is requesting \$3,000,000 in funding at this time.	This request represents the need to provide sufficient funding as a maintenance of effort to the providers of services so that the actual cost of care can be covered. If the state's reimbursement rates do not cover the actual cost of care, eventually the local entities will have to reduce the scope and quality of care below acceptable standards, eliminate the services for which there is insufficient funding, or stop providing services. In the last three years the costs have risen with increasing cost of gasoline, oil, electricity, food, medical professionals, and other goods and services by an average of 6.3 percent. All providers are now at the point that reimbursements must be increased to cover the additional operating costs which have risen significantly. With \$8.28 million in operating expenses, the inflationary cost for the State funded portion is \$2,190,500.
DDSN Request State Funds	\$17,235,491	\$2,354,800	\$3,000,000	\$2,190,500



### RESOLUTION

WHEREAS, the South Carolina Department of Disabilities and Special Needs suffered an unprecedented budget reduction of \$38 million in state funds in fiscal year 2009; and

WHEREAS, this enormous loss of state funding caused the additional loss of millions in Medicaid funding for services; and

WHEREAS, this fiscal year DDSN is projected to receive less than a third of the stimulus dollars generated from the Medicaid services provided by DDSN to the individuals it serves; and

WHEREAS, these deep budget reductions necessitated a reduction and in some cases an elimination of vitally needed services to children and adults with severe lifelong disabilities; and

WHEREAS, 17 percent of the individuals served by the agency live in DDSN-funded residences and have nowhere else to live and 83 percent live at home with family caregivers who rely heavily on services and supports to care for their loved ones and prevent more costly state-funded placement; and

WHEREAS, the loss of necessary services is devastating to individuals and families and could jeopardize the health and safety of South Carolina's most vulnerable citizens;

**NOW THEREFORE BE IT RESOLVED,** that the South Carolina Commission on Disabilities and Special Needs respectfully requests the members of the State Budget and Control Board be keenly aware of how essential services are to the more than 30,500 individuals and their families served by DDSN and give every consideration to protecting from further reduction the vital services that meet the unique needs of these special citizens as they deliberate and make decisions regarding future reductions to DDSN's budget;

With respect for our great state's Governor, Treasurer, Comptroller General, Chairman of the Senate Finance Committee, and Chairman of the House of Representatives Ways and Means Committee, we do hereby attest our signatures.

Rick Huntress

Vice Chairman, Fourth District

Nancy Banov, First District

Susan Lait, Third District

Kelly Hanson Floyd Chairman, At-Large

Otis D. Speight, MD, MBA, CPE

Secretary, Fifth District

Deborah McPherson, Second Distric

W. Robert Harrell, Sixth District

August 2009